

**A SUBSTITUTE ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2010 (2004 WATER AND WASTEWATER BOND FUND, FUND 5058) BUDGET BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF FIVE MILLION DOLLARS AND NO CENTS (\$5,000,000.00) TO RECORD THE REFUND OF CERTAIN FUNDS FROM THE ATLANTA BELTLINE, INC. ("ABI") DUE TO PROJECT UNDERRUNS FOR THE CLEAR CREEK COMBINED SEWER BASIN RELIEF PROJECT, PER THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND ABI; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 06-O-1575, adopted by the Full Council of the City of Atlanta ("City") and approved by the Mayor July 17, 2006, established the intent to expend Tax Allocation District funds for specific purposes, and approved the BeltLine Tax Allocation District Work Plan, which included the Clear Creek Combined Sewer Basin Relief Project ("Project"); and

**WHEREAS**, Ordinance 07-O-1530, adopted by the Full Council of the City on September 4, 2007 and approved by the Mayor on September 12, 2007, authorized the City to enter into an Intergovernmental Agreement ("Agreement") with ABI for the design and construction of the Project, and authorized the City to transfer \$30,000,000.00 to ABI for the costs incurred for the Project; and

**WHEREAS**, the Agreement provided that ABI refund the City, Department of Watershed Management ("DWM"), for any Project under-runs, being Project costs that are less than the authorized \$30,000,000.00 contributed to ABI for the Project, and, specifically refunded to the 2004 Water & Wastewater Bond Fund (Fund 5058); and

**WHEREAS**, DWM received an amount of \$5,000,000.00 from ABI, representing a significant project under-run, being the difference between the amount ABI contracted for to perform the Project work, according to the lowest responsible and responsive bidder, and the City contribution.

**WHEREAS**, DWM temporarily deposited said excess funds in the Water and Wastewater Revenue Fund (Fund 5051) and now desires to transfer said funds to the 2004 Water and Wastewater Bond Fund (Fund 5058) for the purpose of retaining said funds for any increases in Project expenses or other authorized projects; and

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

**SECTION 1:** That the Chief Financial Officer is authorized to amend the FY 2010 Water and Wastewater Revenue Fund (Fund 5051) and the 2004 Water and Wastewater Bond Fund (Fund 5058) as follows:

**TO RECORD ANTICIPATION AND TRANSFER OF EXCESS FUNDS OF \$5,000,000.00 FROM THE WATER AND WASTEWATER REVENUE FUND (FUND 5051) TO THE 2004 WATER AND WASTEWATER BOND FUND (FUND 5058):**

**Anticipation of:**

5051.000002.3890007.0000000.000000.00000.0000.00000000.00000000      \$5,000,000.00  
Water and Wastewater Revenue Fund/Default – Revenue Department/  
Recoveries/Default/Default/Default/Default/Default/Default

**Transfer Appropriation of:**

5051.170215.6110096.4333000.000000.00000.0000.00000000.00000000      \$5,000,000.00  
Water and Wastewater Revenue Fund/DWM Wastewater Sewer Repair/  
Operating Transfer Out to 5058/  
New Sewer Services/Default/Default/Default/Default/Default

**TO RECORD ANTICIPATION AND APPROPRIATION OF EXCESS FUNDS OF \$5,000,000.00 FROM THE WATER AND WASTEWATER REVENUE FUND (FUND 5051) IN THE 2004 WATER AND WASTEWATER BOND FUND (FUND 5058):**

**Transfer Anticipation of:**

5058.000002.3912014.0000000.000000.00000.0000.00000000.00000000      \$5,000,000.00  
2004 Water and Wastewater Bond Fund/Default – Revenue Department/  
Operating Transfer from 5051/Default/Default/Default/Default/Default/Default

**Appropriation to Reserve:**

5058.170215.5999901.4333000.000000.00000.0000.00000000.00000000      \$5,000,000.00  
2004 Water and Wastewater Bond Fund/DWM Wastewater Sewer Repair/  
Reserve Conversion Account – Class 1/New Sewer Services/Default/  
Default/Default/Default/Default

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**AN ORDINANCE BY:  
FINANCE/EXECUTIVE COMMITTEE**

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**AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2010 (2004 WATER AND WASTEWATER BOND FUND, FUND 5058) BUDGET BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF FIVE MILLION DOLLARS AND NO CENTS (\$5,000,000.00) TO RECORD THE REFUND OF CERTAIN FUNDS FROM THE ATLANTA BELTLINE, INC. ("ABI") DUE TO PROJECT UNDERRUNS FOR THE CLEAR CREEK COMBINED SEWER BASIN RELIEF PROJECT, PER THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND ABI; AND FOR OTHER PURPOSES.**

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**WHEREAS**, DWM received an amount of \$5,000,000.00 from ABI, representing a significant project under-run, being the difference between the amount ABI contracted for to perform the Project work, according to the lowest responsible and responsive bidder, and the City contribution.

**WHEREAS**, DWM temporarily deposited said excess funds in the Water and Wastewater Revenue Fund (Fund 5051) and now desires to transfer said funds to the 2004 Water and Wastewater Bond Fund (Fund 5058) for the purpose of retaining said funds for any increases in Project expenses and until such time the Project is completed; and

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

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FROM THE WATER AND WASTEWATER REVENUE FUND (FUND 5051) TO THE 2004  
WATER AND WASTEWATER BOND FUND (FUND 5058):**

**Anticipation of:**

5051.000002.3890007.0000000.000000.00000.0000.00000000.00000000	\$5,000,000.00
Water and Wastewater Revenue Fund/Default – Revenue Department/ Recoveries/Default/Default/Default/Default/Default/Default	

**Transfer Appropriation of:**

5051.170215.6110096.4333000.000000.00000.0000.00000000.00000000	\$5,000,000.00
Water and Wastewater Revenue Fund/DWM Wastewater Sewer Repair/ Operating Transfer Out to 5058/ New Sewer Services/Default/Default/Default/Default/Default	

**TO RECORD ANTICIPATION AND APPROPRIATION OF EXCESS FUNDS OF \$5,000,000.00  
FROM THE WATER AND WASTEWATER REVENUE FUND (FUND 5051) IN THE 2004  
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**Transfer Anticipation of:**

5058.000002.3912014.0000000.000000.00000.0000.00000000.00000000	\$5,000,000.00
2004 Water and Wastewater Bond Fund/Default – Revenue Department/ Operating Transfer from 5051/Default/Default/Default/Default/Default/Default	

**Appropriation to Reserve:**

5058.170215.5999901.4333000.000000.00000.0000.00000000.00000000	\$5,000,000.00
2004 Water and Wastewater Bond Fund/DWM Wastewater Sewer Repair/ Reserve Conversion Account – Class 1/New Sewer Services/Default/ Default/Default/Default/Default	

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Finance/ Executive Committee

**Caption:** AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2010 (2004 WATER AND WASTEWATER BOND FUND, FUND 5058) BUDGET BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF FIVE MILLION DOLLARS AND NO CENTS (\$5,000,000.00) TO RECORD THE REFUND OF CERTAIN FUNDS FROM THE ATLANTA BELTLINE, INC. ("ABI") DUE TO PROJECT UNDERRUNS FOR THE CLEAR CREEK COMBINED SEWER BASIN RELIEF PROJECT, PER THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND ABI; AND FOR OTHER PURPOSES.

**Council Meeting Date:** April 19, 2010

**Requesting Dept.:** Department of Finance

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The intent of this legislation is to anticipate and appropriate excess funds returned by Atlanta Beltline, Inc. to the City of Atlanta in regards to the Clear Creek Combined Sewer Basin Relief Project.

**2. Please provide background information regarding this legislation.**

The City of Atlanta and Atlanta Beltline, Inc. entered into an intergovernmental agreement concerning the construction and building of the Clear Creek Combined Sewer Basin Relief Project. \$30,000,000.00 was approved and transferred to Atlanta Beltline, Inc. to fund the project. Per the agreement, excess funds not needed for the project would be returned to the City. As Atlanta Beltline, Inc. has determined that it will not need \$5,000,000.00, it has returned said funds to the City. The City will set aside said funds for any increases in project expenses until such time as the project is complete.

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

- (d)     **Invitations Issued:**
- (e)     **Number of Bids:**
- (f)     **Proposals Received:**
- (g)     **Bidders/Proponents:**
- (h)     **Term of Contract:**

**4. Fund Account Center (Ex. Name and number):**

Anticipation of:

5051.000002.3890007.0000000.000000.00000.0000.00000000.00000000     \$5,000,000.00

Water and Wastewater Revenue Fund/Default – Revenue Department/  
Recoveries/Default/Default/Default/Default/Default/Default

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Operating Transfer Out to 5058/  
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Transfer Anticipation of:

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2004 Water and Wastewater Bond Fund/Default – Revenue Department/  
Operating Transfer from 5051/Default/Default/Default/Default/Default/Default

Appropriation to Reserve:

5058.170215.5999901.4333000.000000.00000.0000.00000000.00000000     \$5,000,000.00

2004 Water and Wastewater Bond Fund/DWM Wastewater Sewer Repair/

Reserve Conversion Account – Class 1/New Sewer Services/Default/

Default/Default/Default/Default

**5. Source of Funds:** *Example: Local Assistance Grant* Refund of excess project funds

**6. Fiscal Impact:** This legislation will increase anticipations and appropriations by \$5,000,000.00.

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By:** Maria Runnels

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: LaShawn Gardiner

Contact Number: 404-330-6449

Originating Department: Department of Finance

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: March 9, 2010

Anticipated Committee Meeting Date(s): March 29-31, 2010

Anticipated Full Council Date: April 19, 2010

Legislative Counsel's Signature: [Signature]

Commissioner Signature: [Signature]

**CAPTION**

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2010 (2004 WATER AND WASTEWATER BOND FUND, FUND 5058) BUDGET BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF FIVE MILLION DOLLARS AND NO CENTS (\$5,000,000.00) TO RECORD THE REFUND OF CERTAIN FUNDS FROM THE ATLANTA BELTLINE, INC. ("ABI") DUE TO PROJECT UNDERRUNS FOR THE CLEAR CREEK COMBINED SEWER BASIN RELIEF PROJECT, PER THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND ABI; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_

(date)

(date)

Received by Mayor's Office: 4/25/10 Reviewed by: [Signature]

(date)

(date)

Submitted to Council: \_\_\_\_\_

(date)